

**ORDINANCE #2015-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON ADDING CHAPTER 16.15 OF TITLE 16 OF THE AMERICAN CANYON MUNICIPAL CODE RELATING TO PERMITTING PROCEDURES FOR SMALL RESIDENTIAL SOLAR ENERGY SYSTEMS**

**WHEREAS**, as set forth in Government Code Section 65850.5(a) it is the policy of the State of California that local agencies encourage the installation of solar energy systems by removing obstacles to, and minimizing the costs of, permitting such energy systems; and

**WHEREAS**, as set forth in Government Code Section 65850.5(g), cities must adopt an ordinance on or before September 30, 2015 that creates an expedited and streamlined permitting process for small residential rooftop solar energy systems; and

**WHEREAS**, the ordinance must substantially conform with the recommendations set forth in the California Solar Permitting Guidebook, including the use of a checklist of all requirements that, if complied with, requires cities to approve the application and issue the applied for permits; and

**WHEREAS**, the City Council of the City of American Canyon finds that it is in the interest of the health, welfare and safety of the public to provide an expedited permitting process to encourage the effective development of solar technology; and

**WHEREAS**, solar energy creates local jobs and economic opportunity; and

**WHEREAS**, the City Council of the City of American Canyon finds that the following ordinance will have the effect of encouraging the installation of small residential solar energy systems and minimizing barriers, obstacles, and costs of obtaining permits for their installation.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of American Canyon as follows:

**SECTION 1:** Title 16 of the American Canyon Municipal Code entitled "Buildings and Structures" is hereby amended to add Chapter 16.15, entitled "Streamlined Residential Rooftop Solar Energy Permit" commencing with Section 16.15.010 and concluding with Section 16.15.070 is hereby added to read in its entirety as follows:

**16.15.010 Intent and purpose.**

The intent and purpose of this chapter is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter is designed to encourage the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install solar energy systems. This chapter allows the City to achieve these goals while protecting the public health and safety.

**16.15.020 Applicability.**

- A. This Chapter applies to the permitting of all small residential rooftop solar energy systems in the City.
- B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Chapter are not subject to the requirements of this Chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop solar energy system in such a way as to require new permitting. Routine operation and maintenance of like-kind replacements shall not require a permit.

**16.15.030 Definitions.**

- A. "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- B. "Building Division" means the Building and Safety Division for the City of American Canyon.
- C. "Building official" means the Building Official for the City of American Canyon.
- D. "City" means the City of American Canyon.
- E. "Common interest development" means any of the following:
  - 1. A community apartment project.
  - 2. A condominium project.
  - 3. A planned development.
  - 4. A stock cooperative.
- F. "Electronic submittal" means the utilization of one or more of the following:
  - 1. Email;
  - 2. The Internet; or
  - 3. Facsimile.
- G. "Expedited permitting," and "expedited review," means the process outlined in Sec. 16.15.070 entitled "Expedited permit review and inspection requirements."
- H. A "feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition or mitigation imposed by the City on another similarly situated application in a prior successful application for a similar permit.
- I. "Reasonable restrictions" on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

J. "Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance" means:

1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding ten percent (10%) of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding ten percent (10%) as originally specified and proposed.
2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the cost of the system as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent (10%) as originally specified and proposed.

K "Small residential rooftop solar energy system" means all of the following:

1. A solar energy system that is not larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City of American Canyon and all State of California health and safety standards.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City of American Canyon.

L. "Solar energy system" means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
2. Any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

M. "Specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified and written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete.

#### **16.15.040 Solar energy system requirements.**

- A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the City and the State of California.
- B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

#### **16.15.050 Aesthetic Installation**

Electrical metallic tubing (EMT) and other forms of conduit is not permitted in exposed exterior locations visible from the public right-of-way. Exposed conduit placed toward the rear of the house out of view of the public right-of-way shall be painted to match the color of the house.

#### **16.15.060 Duties of Community Development Department and Building Official**

A. All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on the City's publicly accessible website.

B. Electronic submittal of the required permit application and documents via email, the City's website, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.

C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

D. The Building Division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply with to be eligible for expedited review.

E. The small residential rooftop solar system permit process, standard plans, and checklist shall substantially conform to the recommendations for expedited permitting, including the checklist and standard contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

F. All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Sections 65850.55 and 66015 and Health & Safety Code Section 17951.

#### **Sec. 16.15.070 Expedited permit review and inspection requirements**

A. The Building Division shall adopt an administrative, nondiscretionary review process to expedite the approval of small residential rooftop solar energy system applications within 30 days of adoption of this chapter. For an application for a small residential rooftop solar energy system that meets the requirements of the approved checklist and standard plan, the Building Division shall issue a building permit or other non-discretionary permit within 3 business days. The building official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety.

B. Review of the application shall be limited to the building official's review of whether the applicant meets local, state and federal health and safety requirements.

- C. If a use permit is required, the building official may deny an application for the use permit if the official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact.
- D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of Civil Code Section 714(d)(1)(A)-(B).
- E. The City shall not condition the approval of an application on the approval of an association as defined in Civil Code Section 4080.
- F. If an application for a small residential rooftop solar energy system is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permitting shall be sent to the applicant for resubmission.
- G. Only one inspection shall be required and performed by the Building Division for small residential rooftop solar energy systems eligible for expedited review.
- H. The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two business days of a request.
- I. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter.

**SECTION 2:** Any provision of the American Canyon Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

**SECTION 3:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of American Canyon hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 4:** Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 5:** Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

The foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 1<sup>st</sup> day of September, 2015, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, by the following vote:

**AYES:** Vice Mayor Leary, Council Members Ramos, Joseph, Bennett and Mayor Garcia  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None



Leon Garcia, Mayor

**ATTEST:**



Cherri Walton, Deputy City Clerk

**APPROVED AS TO FORM:**



William D. Ross, City Attorney